

**SEALED**

**FILED**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

FEB 19 2020

UNITED STATES OF AMERICA,


Plaintiff,

VS.

TYRIN MALIK FOLEY,

Defendant.

CRIMINAL NO.:

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY CLERK

**INDICTMENT**

Ct. 1: 18 U.S.C. § 922(o)

Illegal Possession of a Machine Gun

Ct. 2: 26 U.S.C. § 5861(d)

Possession of an Unregistered Firearm

Ct. 3: 18 U.S.C. § 924(c)

Possession of a Firearm in Furtherance of a

Drug Trafficking Crime

THE GRAND JURY CHARGES:

**SA20CR0100 XR**

**COUNT ONE**

[18 U.S.C. § 922(o)]

On or about September 5, 2019, in the Western District of Texas, Defendant,

**TYRIN MALIK FOLEY,**

knowingly possessed a machinegun, namely, a Glock GMBH 17GEN4, 9mm handgun, serial number BACP567, equipped with a Glock replacement slide cover plate intended for use as a machinegun conversion device that caused said firearm to be a machinegun, in violation of 18 U.S.C. § 922(o).

**COUNT TWO**

[26 U.S.C. § 5861(d)]

On or about September 5, 2019, in the Western District of Texas, Defendant,

**TYRIN MALIK FOLEY,**

knowingly possessed firearms, to wit: a New Frontier Armory LW-15 short-barreled rifle, .300 caliber, serial number NLV86306 and a Glock GMBH 17GEN4, 9mm handgun, serial number BACP567, equipped with a Glock replacement slide cover plate intended for use as a machinegun

conversion device that caused said firearm to be a machinegun, and a Glock replacement slide cover plate intended for use as a machinegun conversion device, which were not then registered to him in the National Firearms Registration and Transfer Record, in violation of 26 U.S.C. § 5861(d).

**COUNT THREE**  
**[18 U.S.C. § 924(c)]**

On or about September 5, 2019, in the Western District of Texas, Defendant,

**TYRIN MALIK FOLEY,**

did knowingly possess firearms, to wit: a New Frontier Armory LW-15 short-barreled rifle, .300 caliber, serial number NLV86306, and a Glock GMBH 17GEN4, 9mm handgun, serial number BACP567, equipped with a Glock replacement slide cover plate intended for use as a machinegun conversion device, during and in relation to, and did possess said firearms in furtherance of, a drug trafficking crime that may be prosecuted in a court of the United States, that is, Possession with Intent to Distribute Marijuana, in violation of 18 U.S.C. § 924(c).

**NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE**  
**[See Fed. R. Crim. P. 32.2]**

**I.**

**Firearms Violation and Forfeiture Statutes**

**[18 U.S.C. §§ 922(o) and 924 (c), subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1),  
made applicable to criminal forfeiture by 28 U.S.C. § 2461]**

As a result of the criminal violations set forth in Counts One and Three, the United States of America gives notice to Defendant **TYRIN MALIK FOLEY** of its intent to seek the forfeiture of the property described below upon conviction pursuant to FED. R. CRIM. P. 32.2 and 18 U.S.C. § 924, as made applicable to criminal forfeiture by 28 U.S.C. § 2461. Section 924 states in pertinent part:

**Title 18 U.S.C. § 924. Penalties**

**(d)(1)** Any firearm or ammunition involved in or used in any knowing

violation of subsection . . . of section 922, . . . or knowing violation of section 924 . . . shall be subject to seizure and forfeiture . . . under the provisions of this chapter. . . .

II.

**Unlicensed Firearm and Machine Gun Violations and Forfeiture Statutes**  
**[Title 26 U.S.C. § 5861(d), subject to forfeiture pursuant to Title 26 U.S.C. § 5872, made applicable to criminal forfeiture by Title 28 U.S.C. § 2461]**

As a result of the criminal violation set forth in Count Two, the United States of America gives notice to Defendant **TYRIN MALK FOLEY** of its intent to seek the forfeiture of the property described below upon conviction pursuant to FED. R. CRIM. P. 32.2 and 26 U.S.C. § 5872, as made applicable to criminal forfeiture by 28 U.S.C. § 2461. Section 5872 states in pertinent part:

**Title 26 U.S.C. § 5872. Forfeitures**

**(a) Laws applicable-** Any firearm involved in any violation of the provisions of this chapter shall be subject to seizure and forfeiture. . . and the persons to whom this chapter applies.

This Notice of Demand for Forfeiture includes, but is not limited to, the following properties:


1. New Frontier Armory LW-15 firearm, .300 caliber, serial number: NLV86306;
2. Glock GMBH 17 handgun, 9mm caliber, serial number: BACP567; and
3. Any and all firearms, ammunition, and/or accessories involved in or used in the commission of the criminal offenses.

A TRUE BILL

  
FOREPERSON OF THE GRAND JURY

JOHN F. BASH  
UNITED STATES ATTORNEY

BY:

  
MATTHEW W. KINSKEY  
Assistant United States Attorney